

John A Stottlemire
 33103 Lake Garrison Street
 Fremont, CA 94555
 Telephone: (614) 358-4185
 Email: jstottl@comcast.net
 Defendant, *pro se*

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

COUPONS, INC., a California corporation,	)	Case No.: 5:07-cv-03457-HRL
Plaintiff,)	
vs.	)	ADMINISTRATIVE MOTION TO
	)	EXTEND TIME TO RESPOND TO
	)	SECOND AMENDED COMPLAINT
JOHN STOTTMIRE, and DOES 1-10,)	
Defendant	)	Courtroom: 2, 5 th Floor
	)	Judge: Hon. Howard R. Lloyd

MOTION

Pursuant to Civil Local Rule 6-3 Defendant John Stottlemire (“Stottlemire”) moves for an Extension in Time to Respond to Second Amended Complaint filed by Plaintiff Coupons, Inc (“Plaintiff”). Stottlemire seeks an extension of 60 days from the original deadline to respond to the Second Amended Complaint and to Vacate the Order for Joint Case Management Statement and the Initial Case Management Conference until after he has responded to the Second Amended Complaint.

STATEMENT OF RELEVANT FACTS

Stottlemire received the Second Amended Complaint on December 27, 2007 (Stottlemire Declaration 3).

Stottlemire is a *pro se* litigant and needs more time to understand the law and prepare an effective responsive pleading to the Second Amended Complaint (Stottlemire Declaration 2).

An extension of 60 days is needed for Stottlemire to understand and respond to the Second Amended Complaint (Stottlemire Declaration 4).

Administrative Motion to Extend Time to Respond to Second Amended Complaint
 No. C-07-03457 HRL

Stottlemire asked opposing counsel for the extension but opposing counsel only agreed to an extension of 30 days (Stottlemire Declaration 5).

Stottlemire and Plaintiff have submitted a stipulation providing Stottlemire with a 30 day extension however, when that agreement was made Plaintiff had promised to confer with Stottlemire within 7 days on three separate occasions regarding 60 days Stottlemire was seeking (Stottlemire Declaration 3).

Stottlemire and Plaintiff or the Court has previously extended dates as follows:

- 1) Stottlemire and Plaintiff stipulated to an extension of 11 days for Stottlemire to respond to the original Complaint.
- 2) The Court granted in part, a Motion filed by Stottlemire and ordered an extension of 60 days for Stottlemire to respond to the original Complaint.
- 3) The Court granted a Motion filed by Plaintiff and ordered an extension of 21 days for Plaintiff to respond to Motions filed by Stottlemire.
- 4) Stottlemire and Plaintiff stipulated to an extension of 30 days for Stottlemire to respond to the Second Amended Complaint.

The Court is requested to find that these circumstances constitute good cause and to enter an order extending the time for filing the Response to the Second Amended Complaint filed by Plaintiff to 60 days from the original deadline to respond to the complaint that opposing counsel originally stipulated to an extension of 30 days and to vacate the Order for Joint Case Management Statement and the Initial Case Management Conference until after Stottlemire has responded to the Second Amended Complaint.

Dated: January 14, 2008

Respectfully Submitted:

/s/
John Stottlemire, *pro se*
33103 Lake Garrison Street
Fremont, CA 94555
Telephone: (614) 358-4185
Email: jstottl@comcast.net

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COUPONS, INC., a California corporation,	)	Case No.: 5:07-cv-03457-HRL
)	
Plaintiff,	)	DECLARATION OF JOHN
	)	STOTTLEMIRE IN SUPPORT OF
vs.	)	DEFENDANTS ADMINISTRATIVE
	)	MOTION TO EXTEND TIME TO
JOHN STOTTLEMIRE, and DOES 1-10,	)	RESPOND TO SECOND AMENDED
	)	COMPLAINT
Defendant)	
	)	Courtroom: 2, 5 th Floor
	)	Judge: Hon. Howard R. Lloyd

I, John Stottlemire, hereby declare:

1. I am one of the Defendants in this action. I state all facts herein of my own first hand knowledge, and if called as a witness, I could and would competently testify thereto.
2. I am a *pro se* litigant and require additional time to understand the law and file an effective responsive pleading.
3. I received the complaint initially on December 27, 2007. On December 28, 2007 I sent an email to opposing counsel requesting an extension of 60 days to file responsive pleadings to the Second Amended Complaint. A true and correct copy of this email is attached as Exhibit A. Opposing counsel offered an extension of 30 days in response to my request on January 1, 2008 and promised to speak with me "this week" (the week of January 1, 2008) regarding my request for an extension of 60 days. A true and correct copy of this email is attached as Exhibit B. At weeks end I had not received any further communication from Declaration of John Stottlemire in support of Administrative Motion to Extend Time to Respond to Second Amended Complaint.
No. C-07-03457 HRL

opposing counsel regarding the extension of 60 days and sent another email to opposing counsel requesting the extension of 60 days. A true and correct copy of this email is attached as Exhibit C. In response, on Saturday, January 5, 2008 opposing counsel again promised to talk to me about my request "early next week" and requested that I prepare and send a stipulation for signature. A true and correct copy of this email is attached as Exhibit D. I prepared a stipulation for an extension of 60 days and emailed it to opposing counsel on Sunday, January 6, 2008. Opposing counsel rejected this stipulation and requested I prepare a stipulation for an extension of 30 days. A true and correct copy of this email is attached as Exhibit E. I again requested opposing counsel agree to a 60 day extension and detailed my reason for requesting 60 days. A true and correct copy of this email is attached as Exhibit F. Opposing counsel again opposed the request for a 60 day extension and requested I prepare a stipulation for an extension of 30 days and for the third time promised to discuss my request for 60 days after conferring with Coupons, Inc. A true and correct copy of this email is attached as Exhibit G. I prepared a stipulation for an extension of 30 days and emailed it to opposing counsel on Sunday, January 6, 2008. Opposing counsel signed the stipulation on Monday, January 7, 2008. I filed the stipulation through the Court's ECF system on Monday, January 6, 2008. Opposing counsel has not, as of signing this declaration, had any further discussion with me in regards to my request for a 60 day extension as promised three separate occasions.

4. I need an extension of 60 days to understand and respond to the complaint.

5. I have attempted to negotiate a reasonable extension with opposing counsel and was offered only a 30 day extension. Opposing counsel has promised three separate occasions to further negotiate the 60 day extension with me but has failed to discuss the request further.

I declare under penalty of perjury under the laws of the United States Of America that the foregoing is true and correct. Executed this 14th day of January, 2008 at Fremont, California.

/s/
John Stottlemire

Declaration of John Stottlemire in support of Administrative Motion to Extend Time to Respond to Second Amended Complaint.
No. C-07-03457 HRL

EXHIBIT A

John Stottlemire

From: jstottl@comcast.net
Sent: Friday, December 28, 2007 4:50 PM
To: johna@stottlemire.net
Subject: FW: Coupons, Inc. v Stottlemire

----- Forwarded Message: -----

From: jstottl@comcast.net
To: dcusack@fbm.com
Subject: Coupons, Inc. v Stottlemire
Date: Sat, 29 Dec 2007 00:49:00 +0000
> Dennis,
>
> I would like to know if you would be willing to agree to an extension
> of time to allow me to file a responsive pleading to the Second
> Amended Complaint filed yesterday.
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> I would like an additional 60 days to file the responsive pleading.
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> As it stands, I only have 10 days and as a pro se defendant I do not
> have the knowledge or resources available to file the responsive pleading that quickly.
>
> Thank you in advance
>
> -john stottlemire

EXHIBIT B

John Stottlemire

From: NGoteiner@fbm.com
Sent: Tuesday, January 01, 2008 10:56 AM
To: jstottl@comcast.net
Cc: CAlameda@fbm.com; DCusack@fbm.com
Subject: RE: Coupons, Inc. v Stottlemire

One of us will speak with you this week. For now, we'll agree to a 30 day extension. Neil

-----Original Message-----

From: jstottl@comcast.net [mailto:jstottl@comcast.net]
Sent: Friday, December 28, 2007 5:42 PM
To: Goteiner, Neil (24) x4485
Cc: Alameda, Carly (20) x4981
Subject: FW: Coupons, Inc. v Stottlemire

I'm not sure if Dennis is on vacation or not.
I left him a voice mail yesterday attempting to discuss the forwarded message below.

Could someone at your lawfirm address this please?

Thank you

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EXHIBIT C

John Stottlemire

From: John Stottlemire [jstottl@comcast.net]
Sent: Saturday, January 05, 2008 10:49 AM
To: 'NGoteiner@fbm.com'
Subject: RE: Coupons, Inc. v Stottlemire

I was expecting a phone call this past week.

Did it fall through the cracks?

My responsive pleading is due Friday and I'd like to firm something up prior to Monday so I can file a Motion to Extend Time if necessary.

Thank you

-john

-----Original Message-----

From: NGoteiner@fbm.com [mailto:NGoteiner@fbm.com]
Sent: Tuesday, January 01, 2008 10:56 AM
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Tracking:

Recipient

'NGoteiner@fbm.com'

Read

Read: 1/5/2008 10:53 AM

EXHIBIT D

John Stottlemire

From: NGoteiner@fbm.com
Sent: Saturday, January 05, 2008 10:55 AM
To: jstottl@comcast.net
Cc: CALameda@fbm.com; DCusack@fbm.com
Subject: continuance and scheduling TC next week

Dennis or I will speak to you early next week. Why don't you prepare and email us the stipulation for our signature. You should have the stipulation form from the prior continuances to which the parties agreed.

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LLP

EXHIBIT E

John Stottlemire

From: NGoteiner@fbm.com
Sent: Sunday, January 06, 2008 12:49 PM
To: jstottl@comcast.net
Cc: DCusack@fbm.com; CALameda@fbm.com
Subject: RE: continuance and scheduling TC next week

I agreed to 30 days. Please change your stipulation accordingly. Thanks.
Neil

-----Original Message-----

From: John Stottlemire [mailto:jstottl@comcast.net]
Sent: Sunday, January 06, 2008 11:52 AM
To: Goteiner, Neil (24) x4485
Subject: RE: continuance and scheduling TC next week

See attached

-----Original Message-----

From: NGoteiner@fbm.com [mailto:NGoteiner@fbm.com]
Sent: Saturday, January 05, 2008 10:55 AM
To: jstottl@comcast.net
Cc: CALameda@fbm.com; DCusack@fbm.com
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EXHIBIT F

John Stottlemire

From: John Stottlemire [jstottl@comcast.net]
Sent: Sunday, January 06, 2008 3:58 PM
To: 'NGoteiner@fbm.com'
Subject: RE: continuance and scheduling TC next week

I'm begging for 60.

I need the extra time so that I can research the elements Coupons, Inc is required to establish for the Second Cause of Action, the Third Cause of Action, the Fourth Cause of Action and the Fifth Cause of action and prepare a motion to dismiss should the complaint fall short of the "Twombly Standard"

I obviously do not have the resources available that your law firm does and am only requesting the time so that I may do the proper research and file an effective motion.

Please give me the 60 days.

-john

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From: NGoteiner@fbm.com [mailto:NGoteiner@fbm.com]
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Tracking:

Recipient

Read

Recipient

'NGoteiner@fbm.com'

Read

Read: 1/6/2008 4:57 PM

EXHIBIT G

John Stottlemire

From: NGoteiner@fbm.com
Sent: Sunday, January 06, 2008 5:01 PM
To: jstottl@comcast.net
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Subject: RE: continuance and scheduling TC next week

You don't need to beg for anything. For the moment you have 30 so you have nothing to worry about. Next week Dennis or I, after speaking to the client, will speak to you about your request for an additional 30 days. Maybe one day you'll explain to me why you need to spend so much of your time on this matter.

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LLP

1 John A Stottlemire
2 33103 Lake Garrison Street
3 Fremont, CA 94555
4 Telephone: (614) 358-4185
5 Email: jstottl@comcast.net
6 Defendant, pro se

7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA
10
11 SAN JOSE DIVISION

12 COUPONS, INC., a California corporation,) Case No.: 5:07-cv-03457-HRL
13 Plaintiff,)
14 vs.) [PROPOSED] ORDER GRANTING
15) MOTION TO EXTEND TIME TO RESPOND
16) TO SECOND AMENDED COMPLAINT
17)
18 JOHN STOTTLEMIRE, and DOES 1-10,)
19 Defendant)
20)
21)
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23)
24)
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26)
27)
28)

29 The court has considered the motion and opposition, if any, and finding good cause
30 exists, the court GRANTS the administrative motion for extension to respond to the Second
31 Amended Complaint. The court orders that Defendant has 60 days from the original deadline to
32 respond to the complaint. The court further vacates the Order for Joint Case Management
33 Statement and the Initial Case Management Conference until after the Defendant has responded
34 to the complaint.

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Presented By:

John Stottlemire (*pro se*)
Defendant

Order on Defendant's Administrative Motion to Extend
Time to Respond to Complaint
No. C-07-03457 HRL